

REMARKS

Initially, Applicants would like to thank the Examiner for acknowledging consideration of each of the documents listed on PTO-1449 Forms submitted with Information Disclosure Statements filed on January 5, 2005 and December 3, 2003.

However, Applicants note that the outstanding Official Action does not acknowledge acceptance of the drawings filed with the present application on August 27, 2003. Accordingly, with the next Official Action, Applicants respectfully request that the Examiner acknowledge acceptance of the drawings filed with the present application on August 27, 2003, or provide any reason that the drawings are not found to be acceptable.

Applicants additionally note that the outstanding Official Action does not acknowledge the claim for foreign priority under 35 U.S.C. §119 filed with the present application on August 27, 2003. The Official Action also does not acknowledge receipt of certified copies of the priority document upon which the claim for foreign priority is based as submitted on August 27, 2003. Accordingly, with the next Official Action, Applicants respectfully request that the Examiner acknowledge Applicants' claim for foreign priority under 35 U.S.C. §119, as well as receipt of certified copies of the priority document upon which the claim for foreign priority is based.

In the outstanding Official Action, claim 7 was objected-to for an informality. Claims 2-11 were rejected under 35 U.S.C. §112, second paragraph. Claims 21-22 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 1-6, 8 and 10-22 were rejected under 35 U.S.C. §102(a) over Grand Theft Auto III as described by Wikipedia, the free encyclopedia (http://en.wikipedia.org/wiki/Grand_Theft_Auto_III); Monsters At Play: Grand Theft Auto III Review

(http://games.monstersatplay.com/review/playstation2/grand_theft_auto_3.php); and GameSpot:

Grand Theft Auto III

(<http://www.gamerankings.com/itemrankings/launchreview.asp?reviewid=241528>). Claims 7 and 9 were also rejected under 35 U.S.C. §102(a) or alternatively under 35 U.S.C. §103(a) over Grand Theft Auto III.

Initially, Applicants note that claims 1 and 7 have been amended to eliminate informalities. In view of the herein-contained amendments to claims 1 and 7, Applicants respectfully request reconsideration and withdrawal of the objection to claim 7 and the rejection of claims 2-11 under 35 U.S.C. §112, second paragraph. Applicants further note that additional claims have been amended to more clearly recite the features of the invention to which the claims are directed.

Upon entry of the present amendment, claims 21-22 will have been cancelled without prejudice to or disclaimer of the subject matter recited therein. In view of the cancellation of claims 21-22, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 21-22 under 35 U.S.C. §101.

Applicants traverse the substantive rejections over Grand Theft Auto III. In this regard, Grand Theft Auto III does not disclose or suggest that a "rule" is determined "according to the degree of the detected game progress" as recited in claim 1. Rather, rules in Grand Theft Auto III differ for different storyline-based missions and side missions. Use of mission-specific rules is known in the general art, and such game characteristics include varying the number of available items, the area where a character can move, and the levels of the player's character and/or an enemy character. As is clear from the "Description of the Related Art" in the present application, such mission-specific rules are conventional in the art and are not the rules set forth

in claim 1. Rather, the rules in claim 1 are "applicable... according to the degree of the detected game progress".

That is, rules to be applied in Grand Theft Auto III differ as to the specified mission. Such rules may include rules relating to a race or shooting ability. It is natural that such specific rules are required for each mission. However, such rules are not determined "according to the degree of the detected game progress", and are applied consistently even when the same mission is played multiple times. Accordingly, Grand Theft Auto III does not disclose or suggest that a different rule is applied according to the degree of the game progress. Accordingly, the "rules" of Grand Theft Auto III, as identified in the Official Action, are those conventionally known in the art, and not those of the invention to which the pending claims are directed.

Further, in relation to rules as set forth above, Grand Theft Auto III does not disclose or suggest the combination that includes "a rule violation determiner that determines whether a violation of the determined rule occurs based on the input instruction; and a penalty processor that imposes a predetermined penalty when said rule violation determiner determines that the violation occurs" as recited in claim 1. Rather, as described in the Official Action, Grand Theft Auto III merely discloses that the degree of difficulty of the game increases in some aspects as the player progresses, and conversely that the opportunities available to a player increase as the player progresses. In other words, as the difficulty of the game increases, the player is subject to more risk which may result in a condition of the player's health, armor, weapons, money, car or car's health deteriorating. However, exposure to increased character risk is not itself a "penalty", and in Grand Theft Auto III a penalty is not imposed based on a "rule applicable when a player advances the game according to the degree of detected game progress". Rather, the player is merely subject to more risk and difficulty as the game progresses in Grand Theft Auto III.

Further, Applicants specifically request, if the rejection of any claim over Grand Theft Auto III is maintained, that the Examiner specifically indicate in any future Official Action any "rule" in Grand Theft Auto III which is considered to be "applicable... according to the degree of the detected game progress", as well as any "predetermined penalty" that is considered to be imposed "when said rule violation determiner determines that the violation" of such a rule occurs. At least because the above-noted features and the numerous related features of claim 1 are not disclosed, suggested or rendered obvious by Grand Theft Auto III, claim 1 is allowable over Grand Theft Auto III.

Independent claims 12, 15, 17, 18, 19 and 20 are allowable over Grand Theft Auto III for reasons similar to the above-noted reasons set forth for the allowability of claim 1. Additionally, dependent claims 2-11, 13-14 and 16 are allowable for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding objection, the outstanding rejection under 35 U.S.C. §112, second paragraph. and the outstanding rejection under 35 U.S.C. §101, at least in view of the herein-contained amendments.

Applicants additionally request reconsideration and withdrawal of the outstanding substantive rejections over Grand Theft Auto III, at least because Grand Theft Auto III does not disclose or suggest that a "penalty" is imposed based on a "rule applicable when a player advances the game" and an "input instruction" as recited in independent claim 1, or the related features recited in independent claims 12, 15, 17, 18, 19 or 20.

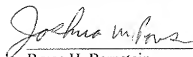
SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have amended the claims and provided an explanations as to why the features of the pending claims are not disclosed, suggested or rendered obvious by the references applied in the Official Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections in the outstanding Official Action, in view of the herein-contained amendments and remarks.

The amendments to the claims which have been made in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, please contact the undersigned at the telephone number provided below.

Respectfully submitted,
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